

REMARKS

Non Final Office Action

As shown by the attached documents from "Public Pair" this Office Action was issued as a Non-Final. However, on the Form 326, the "Final" box was checked. The undersigned attorney called Examiner Kinsey-White to discuss the conflict and was informed that indeed the August 18, 2008 issued Office Action was a Non-Final Office Action.

Rejection of Claims and Traversal Thereof

In the August 18, 2008 Office Action:

Claims 11-14 were rejected under 35 U.S.C. §112, first paragraph; and

Claims 1, 3, 6 and 9-14 were rejected under 35 U.S.C. §112, second paragraph.

These rejections are hereby traversed and reconsideration of the patentability of the pending claims is therefore requested in light of the following remarks.

Rejection under 35 U.S.C. §112, first paragraph

Claims 11-14 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Applicant has cancelled such claims thereby obviating this rejection and respectfully requests the withdrawal of all rejections under §112, first paragraph.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1, 3, 6 and 9-14 were rejected under 35 U.S.C. §112, second paragraph because according to the Office it is not clear if the high-mannose oligosaccharide cluster mimics a protein or carbohydrate epitope.

As stated on the top of page 20 of the specification;

The goal of the present invention was to develop an effective anti-HIV vaccine through targeting unique carbohydrate structures present on HIV-1 and incorporating this novel carbohydrate antigenic structure into an HIV-1 vaccine. The general

Thus it is evident that the epitope is a carbohydrate epitope and the claims have been amended accordingly. As such, applicant requests the removal of this rejection under section 112, second paragraph.

Rejoinder of Method Claims

Applicant requests that withdrawn method claims 15, 16, 19, 20 and 30 be rejoined when the elected product claims are found to be allowable. Such rejoinder would be fully proper under these circumstances, for the following reasons:

When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product for examination through rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims. Consistent with such intent to rejoin, applicant has amended the method claims, notwithstanding the Office's withdrawal of such claims, to present them in form suitable for future examination upon their rejoinder with the allowed elected claims.

Fees payable

It is believed that no fees are due at this time. However, if a fee is found due, the Commissioner is hereby authorized to charge any deficiencies, or reimburse any over-charges, to Deposit Account No. 13-4365 of Moore & Van Allen, PLLC.

Conclusion

Applicant has satisfied the requirements for patentability. All pending claims are free of the art and fully comply with the requirements of 35 U.S.C. §112. It therefore is requested that Examiner Kinsey-White reconsider the patentability of the pending in light of the distinguishing remarks herein,

and withdraw all rejections, thereby placing the application in condition for allowance. Notice of the same is earnestly solicited. In the event that any issues remain, Examiner Kinsey-White is requested to contact the undersigned attorney at (919) 286-8089 to resolve same.

Respectfully submitted,

MOORE & VAN ALLEN PLLC



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By: _____

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mall Room	Date	Document Code	Document Description	Page Count
08-19-2008	CTNF	Non-Final Rejection		6
08-19-2008	SRNT	Examiner's search strategy and results		1
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08-19-2008	SRNT	Examiner's search strategy and results		1
05-05-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject		1
05-05-2008	CLM	Claims		3
05-05-2008	REM	Applicant Arguments/Remarks Made in an Amendment		9
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05-05-2008	WFEE	Fee Worksheet (PTO-06)		1
02-04-2008	CTNF	Non-Final Rejection		11
02-04-2008	1449	List of References cited by applicant and considered by examiner		9
02-04-2008	892	List of references cited by examiner		1
02-04-2008	FOR	Foreign Reference		31
02-04-2008	NPL	NPL Documents		5
02-04-2008	SRFW	Search Information Including classification, databases and other search related notes		1
01-29-2008	SRNT	Examiner's search strategy and results		2
11-16-2007	ELC	Response to Election / Restriction Filed		1
11-16-2007	CLM	Claims		4
11-16-2007	REM	Applicant Arguments/Remarks Made in an Amendment		3
11-16-2007	WFEE	Fee Worksheet (PTO-06)		2
11-16-2007	N417	EFS Acknowledgment Receipt		2
11-16-2007	WFEE	Fee Worksheet (PTO-06)		1
10-15-2007	CTRS	Requirement for Restriction/Election		5
10-15-2007	892	List of references cited by examiner		1
10-15-2007	FOR	Foreign Reference		41
10-11-2007	SRNT	Examiner's search strategy and results		1
09-20-2007	N570	Communication - Re: Power of Attorney (PTOL-308)		2
09-12-2007	IDS	Information Disclosure Statement (IDS) Filed (SB/08)		4
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09-12-2007	NPL	NPL Documents		8
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09-11-2007	CAD	Change of Address		1
09-11-2007	LET	Miscellaneous Incoming Letter		1
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09-11-2007	N417	EFS Acknowledgment Receipt		2
09-01-2006	TRNA	Transmittal of New Application		2
09-01-2006	PA	Power of Attorney		2
04-17-2006	N570	Communication - Re: Power of Attorney (PTOL-308)		2

Bibliographic Data

Application Number:	10/531,124	Customer Number:	-
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Application Type:	Utility	Status Date:	08-18-2008
Examiner Name:	KINSEY WHITE, NICOLE ERIN	Location:	ELECTRONIC
Group Art Unit:	1648	Location Date:	-
Confirmation Number:	4516	Earliest Publication No:	US 2005-0244424 A1
Attorney Docket Number:	014835-178.02-011	Earliest Publication Date:	11-03-2005
Class / Subclass:	435/006	Patent Number:	-
First Named Inventor:	Lai-Xi Wang , Ellicott City, MD	Issue Date of Patent:	-

Title of Invention: Carbohydrate-based synthetic vaccines for hiv

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